

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CAMILLA ANITA WYNN,

Plaintiff,

-vs-

EVANHOE & ASSOCIATES, INC., et al.,

Defendants.

:

Case No. 3:13-cv-94

:

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

**ORDER VACATING PRELIMINARY PRETRIAL CONFERENCE AND
TRANSFERRING REFERENCE**

This case is before the Court Defendants' Fed. R. Civ. P. 26(f) Report, filed unilaterally by Defendants' counsel on April 26, 2013 (Doc. No. 4). Attached is an email from Plaintiff declining to participate in a Rule 26(f) conference and stating categorically "My report will be filed by the deadline. Unless your clients are willing to accept my settlement offer, there is nothing for you and I [sic] to discuss." *Id.* at PageID 156.

Plaintiff apparently misunderstands her obligations as a litigant in federal court. Fed. R. Civ. P. 26(f)(1) provides "the parties must confer as soon as practicable . . ." Rule 26(f)(2) discusses the matters about which the parties must confer and provides:

The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within fourteen days after the conference a written report outlining the plan.

As is clear from these excerpts from the Rule, a party may not exempt herself from participating in the conference and negotiating a discovery plan in good faith.

Because it is apparent that Plaintiff has not complied with Fed. R. Civ. P. 26, the preliminary pretrial conference set for May 9, 2013, is VACATED.

On April 29, 2013, Magistrate Judge Newman transferred to the undersigned another recently-filed *pro se* case because it was related to a case already on the docket of the undersigned. At Judge Newman's request and to maintain balance in the assigned workload, the reference in this case is hereby TRANSFERRED to Magistrate Judge Newman.

April 30, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge